Calendar No. 315

102D CONGRESS
1st Session

SENATE

REPORT
102-209

FORT TOTTEN NATIONAL HISTORIC SITE ACT

NOVEMBER 12, 1991.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1707]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1707) to authorize the establishment of the Fort Totten National Historic Site, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 1707, as ordered reported, is to establish the 9.8-acre Fort Totten National Historic Site in North Dakota, and to authorize the Secretary of the Interior to acquire the site by donation from the State of North Dakota.

BACKGROUND AND NEED

Fort Totten was originally established as a military installation in 1867 in response to increasing hostilities between the Sioux Nation and western settlers. The fort was built at a location on Devils Lake on the Sioux Reservation to protect routes of travel and communication within North Dakota. From 1867 until 1880 the fort served as an important link in a chain of military posts stretching from the Dakotas through Montana.

In 1890 the post was closed and the buildings were turned over for use as the Devils Lake Sioux Indian School. The school remained in operation for the next seven decades, before closing in 1959. Following the closure of the school, the site was acquired by the State of North Dakota from the Department of the Interior and subsequently managed by the State Historical Society. In 1971, the site was added to the National Register of Historic Places.

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Fort Totten is currently administered as a North Dakota State Historic Site. The 9.8-acre site consists of a compound containing the former officers' quarters, commissary, magazine and storehouse, chapel and hospital, all dating from the late 1860's and early 1870's.

S. 1707 authorizes the Secretary of the Interior to acquire the site by donation from the State of North Dakota, to administer the fort as a National Historic Site.

LEGISLATIVE HISTORY

S. 1707 was introduced by Senators Conrad and Burdick on June 27, 1991. Last Congress, the Subcommittee on Public Lands, National Parks and Forests held a hearing on identical legislation, S. 2802. That bill was unanimously reported by the Committee and passed the Senate on October 12, 1990.

At the business meeting on October 30, 1991, the Committee on Energy and Natural Resources ordered S. 1707 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on October 30, 1991, by a unanimous vote of a quorum present, recommends that the Senate pass S. 1707, as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford*	
Mr. Bradley*	
Mr. Bingaman	
Mr. Wirth	
Mr. Conrad	
Mr. Akaka*	
Mr. Fowler*	
Mr. Shelby*	
Mr. Wellstone*	
Mr. Wallop	
Mr. Hatfield	
Mr. Domenici	
Mr. Murkowski	
Mr. Nickles*	
Mr. Burns	
Mr. Craig	
Mr. Seymour*	
Mr. Garn	

* Indicates voted by proxy.

SUMMARY OF S. 1707

S. 1707 authorizes the Secretary of the Interior to acquire the Fort Totten State Historic Site by donation from the State of North Dakota. The site is located on the Fort Totten Sioux Indian Reser-

vation, approximately 12 miles southwest of the town of Devils Lake, North Dakota.

Upon acquiring the site, the Secretary, acting through the Director of the National Park Service, is to manage it as a National Historic Site, in accordance with applicable law. Within 2 years after the date of enactment of this Act, the Secretary is to develop a general management plan for the site and transmit such plan to Congress.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 12, 1991.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1707, the Fort Totten National Historic Site Act, as ordered reported by the Senate Committee on Energy and Natural Resources on October 30, 1991. The total federal cost of implementing this legislation is highly uncertain but likely to be significant. Assuming that the bill is enacted within the next few months and that sufficient funds are appropriated, CBO estimates that the National Park Service (NPS) would spend a total of about $2 million in fiscal years 1992 and 1993 for preliminary research and planning as well as for emergency site stabilization and repairs. Spending over the following several years for long-term site protection and development, which represents most of the costs of implementing S. 1707, would be determined by NPS recommendations, park funding priorities, and appropriation actions. It is possible that such costs could exceed $20 million over five-to-ten years. Finally, beginning in fiscal year 1992, annual NPS costs would increase by between $0.2 million and $0.4 million for the operation and management of the new site. Enactment of S. 1707 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

S. 1707 would authorize the Secretary of the Interior to accept the donation of the Fort Totten State Historic Site in North Dakota. Once acquired, this property would be designated a national historic site under NPS administration. Within two years of the bill's enactment, the agency would be required to submit a general management plan for the new park unit, including an assessment of development needs. Finally, Section 7 would authorize the appropriation of whatever sums are necessary to carry out the bill's purposes.

CBO expects that the Fort Totten property, consisting of 16 or more buildings on 9.8 acres, would be donated to the federal government shortly after the enactment of S. 1707. Upon acquisition, the NPS would spend about $1 million to evaluate the new site, assess long-term development and resource protection needs, and

prepare the required general management plan by the end of fiscal year 1993. Over this same period, a similar amount would be spent for emergency site stabilization and repairs.

Spending after 1993 for historic restoration and development would depend on the results of NPS planning studies, engineering inspections, and archeological investigations. While it is not possible to predict the outcome of this process, it is likely that total construction costs would be significant for this project because the structural condition of most of the buildings is poor and because so many would have to be reconverted to their historical purposes. Based on recent spending for similar projects, CBO estimates that such costs could exceed $20 million over five-to-ten years. Finally, beginning in fiscal year 1992, the NPS would incur additional annual costs of between $200,000 and $400,000 to manage and operate the new park.

Enactment of this bill would have no impact on the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1707. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1707, as ordered reported.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1707, as ordered reported.

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